

DETAILED ACTION

This action is in response to an application filed on 9/16/05.

Claims 1-11 are pending in this application.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: “controller 20” (see e.g. pg. 6, lines 10-11) “process 33” (see e.g. pg. 7, lines 19-20 and 30). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Fig. 2, “Reproduce Data From Medium” 32. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the

reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: pg. 6, line 15 "having recording thereon" should read "having recordeded thereon".

Appropriate correction is required.

Claim Objections

Claims 1-10 are objected to because of the following informalities:

Claim 1, lines 7-8 recite "has upgrade software recorded thereon upgrade software". It is believed this should read "has upgrade software recorded thereon ~~upgrade software~~".

Claims 7-9 make similar recitations and the various dependent claims inherit this language and are objected to similarly.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 7 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 7 recites “A controller for controlling a reproduction device ... wherein the controller is arranged ... to perform a process”. It is the examiner’s understanding that those of ordinary skill in the art would have understood this controller (at least in some embodiments) to describe a software program configured to perform the recited process. Accordingly, the claim is directed to a program itself, not a process occurring as a result of executing the program, a machine programmed to operate in accordance with the program or a manufacture structurally and functionally interconnected with the program in a manner which enables the program to act as a computer component and realize its functionality. It’s also clearly not directed to a composition of matter. Therefore it is rejected as being non-statutory under 35 USC 101.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,717,887 to Leslie.

Regarding Claim 10: Leslie discloses a recording medium having recorded thereon:

upgrading software for upgrading a device (col. 3, lines 38-43 "an alternative control program to be loaded in the FLASH memory 26") capable of being digitally connected in a network to a reproduction device for reproducing the recording medium (col. 1, lines 54-57 "a host computer connected with a SCSI or other interface to a disk drive"); and

data indicating the presence of the upgrade software on the recording medium (col. 3, lines 38-43 "the "special function byte" from the data of the maintenance track 46").

Regarding Claim 11: Leslie discloses a recording medium according to claim 10, wherein said data indicating the presence of the upgrade software on the recording medium is stored in a region of the recording medium storing information about the data structure of data recorded on the recording medium (col. 3, lines 38-43 "an alternative control program to be loaded in the FLASH memory 26").

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,717,887 to Leslie (Leslie) in view of US 2003/0121032 to Cho et al. (Cho)

Regarding Claims 1 and 7-9: Leslie discloses a reproduction device for reproducing a recording medium insertable in the reproduction device,

wherein a controller for controlling the reproduction device is arranged, on insertion of a recording medium in the reproduction device, to perform a process comprising:

detecting if the inserted recording medium has recorded thereon upgrade software for upgrading a target device in the network (col. 3, lines 38-43 "the "special function byte" from the data of the maintenance track 46"); and

if it is detected that the inserted recording medium has upgrade software recorded thereon upgrade software, causing the target device to be upgraded by the upgrade software (col. 3, lines 38-43 "an alternative control program to be loaded in the FLASH memory 26").

Leslie does not disclose sending the upgrade software to a target device over a network of digitally connected devices including the reproduction device.

Cho teaches sending upgrade software to a target device over a network of digitally connected devices (par. [0071] "determines whether the household device 320 needs a version update ... transmits update function data ... fro the household device"; par. [0073] "transmits the update function data to the household device 320").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to test a recording medium for upgrade software (Leslie col. 3, lines 38-43 "an alternative control program to be loaded in the FLASH memory 26") for upgrading a target device in a network of digitally connected devices (Cho par. [0073] "transmits the update function data to the household device 320 ... The household device 320 updates an existing function with the received update function data"). Those of ordinary skill in the art would have been motivated to do so in order to expand the applicability of Leslie's automatic upgrade to other devices connected over the network (Cho par. [0015] "provide a system and method for remotely updating a function of a household device through which update function data can be externally downloaded").

Regarding Claim 2: Leslie and Cho teach a network according to claim 1, and further Cho teaches said step of causing the target device to be upgraded comprises sending the target device the upgrade software (par. [0073] "transmits the update function data

to the household device 320") and an upgrade command for the upgrade device to perform the upgrade (par. [0071] "transmits a signal requesting a household device update"; par. [0072] "attempts to access the download agent 326 of the household device 320 using download manager ... transmits a magic packet to "he household device 320").

Regarding Claim 3: Leslie and Cho teach a network according to claim 1, and further Leslie discloses the step of detecting if the inserted recording medium has upgrade software recorded thereon comprises detecting data in a region of the recording medium storing information about the data structure of data recorded on the recording medium (col. 3, lines 38-43 "the "special function byte" from the data of the maintenance track 46").

Regarding Claim 6: Leslie and Cho teach a network according to claim 1 and further, Leslie discloses the controller is physically located in the reproduction device (Fig. 1, Host Computer 36).

Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,717,887 to Leslie (Leslie) in view of US 2003/0121032 to Cho et al. (Cho) in view of Official Notice.

Regarding Claim 4: Leslie and Cho teach a network according to claim 1, but do not explicitly teach the devices include audio-visual devices.

It is officially noted that audio-visual devices were known in the prior art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to update audio-visual devices using the methods taught by Leslie and Cho (Cho par. [0073] "transmits the update function data to the household device 320 ... The household device 320 updates an existing function with the received update function data"). Those of ordinary skill in the art would have been motivated to do so as an obvious known and obvious application of Cho's update functionality which would have been within the ordinary level of skill in the art and would have produced only the expected results (e.g. audio-visual devices were known types of household devices).

Regarding Claim 5: Leslie and Cho teach a network according to claim 1 but do not explicitly teach the network is an IEEE 1394 network.

It is officially noted that IEEE 1394 networks were known in the prior art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to connect the devices taught by Leslie and Cho over an IEEE 1394 network (The gateway 310 is connected to the household devices 320 through, for example (but

Art Unit: 2193

not by way of limitation), a home network"). Those of ordinary skill in the art would have been motivated to do so as a known and obvious method of implementing the disclosed network which would have been within the ordinary level of skill in the art and would have produced only the expected results.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON MITCHELL whose telephone number is (571)272-3728. The examiner can normally be reached on Monday-Thursday and alternate Fridays 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bullock Lewis can be reached on (571) 272-3759. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason Mitchell/
Primary Examiner, Art Unit 2193